



**WRITERS  
GUILD OF  
AMERICA, WEST**

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September 14, 2016

The Honorable John Thune  
Chairman  
U.S. Senate Committee on  
Commerce, Science and  
Transportation  
512 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Bill Nelson  
Ranking Member  
U.S. Senate Committee on  
Commerce, Science and  
Transportation  
425 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Thune and Ranking Member Nelson:

As the representative of more than 8,000 writers who create television series, feature films and online video programs available across numerous online services, Writers Guild of America, West (WGAW) supports copyright protection and a marketplace that appropriately values creative works. WGAW also believes in the need for a truly competitive media market in which independent and diverse programming can reach consumers, and supports efforts to expand competition and consumer choice. WGAW supports Chairman Wheeler's apps-based set-top box competition compromise because it gives consumers real choice in the device used to access MVPD programming and promotes content competition. At the same time, it will protect copyright and the programming available to consumers through MVPDs.

The proposed compromise addresses the copyright issues raised by the MVPDs and programmers. It protects MVPD content, channel lineups and advertising by maintaining the programming within the operator-provided app. It addresses the potential risk of piracy by requiring only that the MVPDs provide such apps to widely deployed platforms such as "Roku, Apple iOS, Windows and Android."<sup>1</sup> Since many programmers and MVPDs already make their apps available to these same platforms, it is evident they believe these devices provide sufficient piracy protection.

The Chairman's proposal also requires a standard license agreement between MVPDs and device manufacturers, subject to FCC oversight. Since, under the

<sup>1</sup> FCC, "Fact Sheet: Chairman Wheeler's Proposal to Increase Consumer Choice & Innovation in the Video Marketplace," (Sept. 8, 2016)  
[http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2016/db0908/DOC-341152A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0908/DOC-341152A1.pdf), at 1.

compromise, the MVPDs will have control over the operation and functionality of their apps, this oversight is critical to the ultimate success of the proposal. Ensuring that MVPDS cannot use such licenses as a means to disadvantage independent programmers, favor MVPD programming over online video in search results, or prevent devices from providing access to content outside the MVPD app is fully consistent with the Commission's public interest obligations, as mandated by Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Young". The signature is fluid and cursive, with a large, sweeping flourish at the end.

David J. Young  
Executive Director

cc: Members, Senate Committee on Commerce, Science and Transportation  
FCC Chairman Tom Wheeler  
FCC Commissioner Mignon Clyburn  
FCC Commissioner Jessica Rosenworcel  
FCC Commissioner Ajit Pai  
FCC Commissioner Michael O'Reilly